IN THE HIGH COURT OR UTTARANCHAL AT NAINITAL

Court's order whether the case is or not approved for reporting

(Chapter VIII, Rule 32 (2) (b)

Description of Case

W.P. No. 2539 (S/S) of 2001

(Old No. 1429/1995)

Date of decision :- 21-9-2006

~~**A.F.R. (Approved for Reporting)**~~

Not approved for reporting

Date :- 21-9-2006 Initials of Judge

Note :- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the Judge for signature.

HIGH COURT OF UTTARANCHAL, AT NAINITAL

Civil Misc. Writ Petition No.2539 (S/S) of 2001
(Old No. 1429/1995)

Vijay Pal Singh S/o late Shri P.S. Aswal
R/o 33 Dila Ram Bazar
Dehradun .....Petitioner

Versus

Managing Director
Garhwal Mandal Vikas Nigam Ltd.
Dehradun
74/1 Rajpur Road, Dehradun ....Respondents

Dated :-21st September, 2006

Mr. Rajendra Dobhal learned counsel for the petitioner.
Mr. U.K. Uniyal learned senior counsel for the respondent.

Hon'ble J.C.S. Rawat, J.

1. Heard learned counsel for the parties and perused the record.

2. By means of this writ petition under section 226 of the Constitution of India, the petitioner has sought the following reliefs:-

(i) issue a writ, order of direction in the nature of mandamus commanding the respondent no.1 to promote the petitioner in Class II post (scale 2200-4000) w.e.f. 1.4.1982 in accordance with law and also regularize the petitioner in pay scale 1400-2600 w.e.f. 1.6.1979 alongwith arrears and other consequential benefits.

(ii) Issue any other writ, order or direction which the Hon'ble Court deems just

and proper on the facts and circumstances of the case.

(iii) Award the costs of the petition to the petitioner.

3. The petitioner has alleged in his petition that on 01.04.1972 he was appointed as Caretaker in the Garhwal Mandal Vikas Nigam Ltd. (hereinafter referred as Corporation). In the year 1978, one post of Manager was vacant in the Corporation and an interview was held by the Selection Committee of the Corporation. According to the selection list made by the Selection Committee, the petitioner was at serial no.2, Mr. D.L. Shah was at serial no.1 and Mr. Maheshwaranand Joshi was at serial no.3. Mr. D.L.Shah, who was at serial no.1, had been promoted. The petitioner moved a representation to the respondent on 10.12.1985 (Annexure-III to the petition) that being a member of "O.B.C." category he was legally entitled to be promoted to Class II post under OBC quota in view of Government Order No.3779-A-40-Ra.KI.6(13)/177 dated 13.1.1978. The petitioner had also moved his representations to the respondent on 22.4.1988 & 16.9.1993 (Annexure-IV & VI respectively to the writ petition). But, no representations have been decided by the respondent authority.

4. In view of the above facts and circumstances of the case, I am of the view that it would be just and proper to direct the respondent to dispose of the representation filed by the petitioner expeditiously.

5. Therefore, the respondent is directed to dispose of the representation of the petitioner within a period of

two months from the date of receipt of copy of this order. The petition is disposed of accordingly.

6. The parties shall bear their own costs.

(J.C.S.Rawat, J.)

Dated 21.09.2006
LSR